

ASSEMBLY BILL

No. 1579

Introduced by Assembly Member Aghazarian

February 22, 2005

An act to amend Section 1417.2 of the Health and Safety Code, relating to long-term health care facilities, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1579, as introduced, Aghazarian. Long-term health care facilities: funds.

The Long-Term Care, Health, Safety, and Security Act of 1973 is intended to establish (1) a citation system for the imposition of prompt and effective civil sanctions against long-term health care facilities in violation of the laws and regulations of this state, and the federal laws and regulations as applicable to nursing facilities; (2) an inspection and reporting system to ensure that long-term health care facilities are in compliance with state statutes and regulations pertaining to patient care; and (3) a provisional licensing mechanism to ensure that full-term licenses are issued only to those long-term health care facilities that meet state standards relating to patient care. A willful or repeated violation of the act is a misdemeanor punishable by a fine or imprisonment or both.

The act requires moneys collected as a result of civil penalties imposed under the act to be deposited into the Health Facilities Citation Penalties Account and requires those moneys to be used, upon appropriation by the Legislature, for the protection of health or property of residents of long-term health care facilities. The act prohibits the balance in the account from exceeding \$10,000,000.

This bill would provide that all moneys in the account are continuously appropriated, without regard to fiscal years or plan years, to carry out the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1417.2 of the Health and Safety Code is
2 amended to read:

3 1417.2. (a) Notwithstanding Section 1428, moneys collected
4 as a result of civil penalties imposed under this chapter shall be
5 deposited into an account which is hereby established in the
6 Special Deposit Fund under the provisions of Section 16370 of
7 the Government Code. This account is titled the Health Facilities
8 Citation Penalties Account and shall, ~~upon appropriation by the~~
9 ~~Legislature~~, be used for the protection of health or property of
10 residents of long-term health care facilities, including, but not
11 limited to, the following:

12 (1) Relocation expenses incurred by the state department, in
13 the event of a facility closure.

14 (2) Maintenance of facility operation pending correction of
15 deficiencies or closure, such as temporary management or
16 receivership, in the event that the revenues of the facility are
17 insufficient.

18 (3) Reimbursing residents for personal funds lost. In the event
19 that the loss is a result of the actions of a long-term health care
20 facility or its employees, the revenues of the facility shall first be
21 used.

22 (4) The costs associated with informational meetings required
23 under Section 1327.2.

24 (b) *Notwithstanding Section 13340 of the Government Code,*
25 *all moneys in the account are hereby continuously appropriated,*
26 *without regard to fiscal years or plan years, to carry out the*
27 *purposes of this chapter.*

28 (c) Notwithstanding subdivision (a), the balance in the Health
29 Facilities Citation Penalties Account shall not, at any time,
30 exceed ten million dollars (\$10,000,000).

O